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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,062	01/09/2001	Barry D. Kurtz	10003913-1	6607

7590 06/16/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,062

Applicant(s)

KURTZ, BARRY D.

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **Respond to Amendment**

1. This is in response to the request for re-consideration filed 4/4/2005.
2. Applicant's arguments with respect to claims 1-20 have been considered but they are not persuasive.

### **Quotations of U.S. Code Title 35**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

7. Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,694,482 ("Arellano").

#### **Regarding claims 1, 8 and 15**

Arellano teaches posting a document comprising:

- (a) gathering frequently used delivery instructions for a particular user (col. 9 lines 13-18, "A sensor is used to capture ... at their respective sources");
- (b) associating the frequently used delivery instructions with the particular user (col. 9 lines 1-5, "In effect, the user modelling ... the resulting user data");
- (c) launching an interactive delivery interface (col. 8 lines 50-59, "the requirements for media ... with the presentation agent");
- (d) identifying the particular user (col. 9 lines 26-31, "A user's preference and taste ... provide the interaction data");
- (e) presenting, for selection by the particular user (col. 9 lines 10-12, "A User Model ... a measure of confidence"), in the interactive delivery interface, the frequently used delivery instructions associated with the particular user (col. 9 line 64 to col. 10 line 3, "The process of selecting ... the memory based learning scheme"); and,
- (f) posting the document according to selected frequently used delivery instructions (col. 10 lines 7-10, "Once the story agent ... the final story's look and feel").

#### **Regarding claims 2 and 9**

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Arellano teaches gathering frequently used delivery instructions for the particular user includes iteratively gathering frequently used delivery instructions for the particular user (col. 9 lines 19-21, “A sensor knows how often ... into user profile data”).

**Regarding claims 3, 10 and 16**

Arellano teaches presenting the frequently used delivery instructions includes displaying favorite delivery instructions (col. 9 lines 26-31, “A user’s preference and taste ... provide the interaction data”).

**Regarding claims 4, 11 and 17**

Arellano teaches presenting the frequently used delivery instructions includes displaying a list of frequently used delivery instructions (col. 8 lines 12-19, “The applications framework ... presentations of complex applications”).

**Regarding claims 5, 12 and 18**

Arellano teaches the delivery instructions include destinations (col. 10 lines 62-67, “Style context are rules ... browser, modem speed, etc.” [one of the destinations is to delivery a personalized TV program schedule presentation]).

**Regarding claims 6, 13 and 19**

Arellano teaches the delivery instructions include delivery systems and methods (col. 38, claim 1 is a method and col. 40 claim 8 is a system).

**Regarding claims 7, 14 and 20**

Arellano teaches the delivery instructions include delivery method and system specific options (col. 38, claim 1 is specific options of a method and col. 40 claim 8 is specific options of a system).

### **Response to Arguments**

In the remarks applicant argues that the cited reference failed to disclose:

I) “presenting the frequently used delivery instructions for selection by the particular user” and “presenting the frequently used delivery instructions in the interactive delivery interface” as to claims 1, 8 and 15.

In response to applicant arguments,

I) It should be noted that Arellano (USPN 6,694,482) teaches the end user and/or administrator can specify (select) user's interest along other things with a measure of confidence using a User Model Editor (see column 9 lines 10-12). As cited by the Examiner, column 9 lines 1-5 discloses that the user's interest is at least one of the frequently used deliver instructions gathered by the user modeling system. Furthermore, the User Model Editor, where the selection of user's interest is made, is a part of the User Agent, where as, the User Agent is a component of the whole interactive delivery interface (see column 8 lines 50-59). Therefore, Arellano teaches presenting the frequently used delivery instructions for selection by the user, in the interactive delivery interfaced as claimed by the applicant.

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*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

**Thomas Pham**  
*Patent Examiner*



June 7, 2005



**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**